



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/823,442	04/12/2004	William M. Randle	3994893-139698.2	4808

7590 02/03/2006

Edwin M. Baranowski
Porter Wright Morris & Arthur LLP
Suite 3100
41 South High Street
Columbus, OH 43215

EXAMINER

CANGIALOSI, SALVATORE A

ART UNIT PAPER NUMBER

3621

DATE MAILED: 02/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/823,442	Applicant(s) RANDLE ET AL.	
	Examiner Salvatore Cangialosi	Art Unit 3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 199-212 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 199-212 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 3621

1. The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

3. Claims 199-212 are rejected under 35 U.S.C. § 103 as being unpatentable over Ballard (6032137) or Campbell et al (5373550) in view of Owens et al (4264808).

Regarding claim 199, Ballard (See abstract, Figs. 1-2, 4, 6, 10, Col. 22, lines 5-50, claims 1-43) or Campbell et al (See abstract, Figs. 1-2, Cols. 3-6, claims 1-16) disclose system for capturing check images with servers and digital signature for the check images and validation for service substantially as claimed. The differences between the above and the claimed invention is the use of specific image processing criteria. It is noted that it is believed that check images are functionally equivalent to the claimed limitations and that the claim as drawn is readable on any the well-established bank

Art Unit: 3621

clearing transaction methods and standards established by American Bankers Association (e.g. ANSI/ABA x9.46-1995, version 0.13). Owens et al (See abstract, Figs. 1, 9) show electronic image processing for check clearing. It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for Ballard or Campbell et al because the check image transmission are conventional functional equivalents with respect to the claim limitations and their employment is a necessary component of validation and use in a bank clearing system. Regarding the server limitations of claim 200, Ballard (See abstract, Figs. 1-2, 4, 6, 10, Col. 22, lines 5-50, claims 1-43) disclose capturing check images with servers and digital signature for the check images and validation for service that is a functional equivalent of the claim limitations. Regarding the timing limitations of claim 201, Ballard (See abstract, Figs. 1-2, 4, 6, 10, Col. 22, lines 5-50, claims 1-43) disclose capturing check images with servers and digital signature for the check images and validation for service that is a functional equivalent of the claim limitations. Regarding the MICR limitations of claim 202, Ballard (See abstract, Figs. 1-2, 4, 6, 10, Col. 22, lines 5-50, claims 1-43) disclose capturing check images with servers and digital signature for the check images and validation for service , otherwise resort can be had to Hayosh(See Figs. 2, 9 and 10) show MICR digitally signed checks which is a functional equivalent of the claim limitations. Regarding the timing

Art Unit: 3621

limitations of claim 203, Ballard (See abstract, Figs. 1-2, 4, 6, 10, Col. 22, lines 5-50, claims 1-43) disclose capturing check images with servers and digital signature for the check images and validation for service which is a functional equivalent of the claim limitations. Regarding the quality limitations of claim 204, standard bank check clearing criteria established by Federal Reserve regulation are the functional equivalent of the claim limitations. Regarding the quality limitations of claim 205, standard bank check clearing criteria established by Federal Reserve regulation are the functional equivalent of the claim limitations. Regarding the access limitations of claim 206, Ballard (See abstract, Figs. 1-2, 4, 6, 10, Col. 22, lines 5-50, claims 1-43) disclose capturing check images with servers and digital signature for the check images and validation for service that is a functional equivalent of the claim limitations. Regarding the access limitations of claim 207, standard bank check clearing criteria established by Federal Reserve regulation are the functional equivalent of the claim limitations. Regarding the transmission limitations of claims 208-210, Ballard (See abstract, Figs. 1-2, 4, 6, 10, Col. 22, lines 5-50, claims 1-43) disclose capturing check images with servers and digital signature for the check images and validation for service that is a functional equivalent of the claim limitations. Regarding the capture limitations of claim 211, Ballard (See abstract, Figs. 1-2, 4, 6, 10, Col. 22, lines 5-50, claims 1-43) disclose capturing

Serial Number: 10/823,442

5

Art Unit: 3621

check images with servers and digital signature for the check images and validation for service that is a functional equivalent of the claim limitations. Regarding the capture limitations of claim 212, Ballard (See abstract, Figs. 1-2, 4, 6, 10, Col. 22, lines 5-50, claims 1-43) disclose capturing check images with servers and digital signature for the check images and validation for service that is a functional equivalent of the claim limitations.

Examiner's Note: Although Examiner has cited particular columns, line numbers and figures in the references as applied to the claims above for the convenience of the applicant(s), the specified citations are merely representative of the teaching of the prior art that are applied to specific limitations within the individual claim and other passages and figures may apply as well. It is respectfully requested that the applicant(s), in preparing the response, fully consider the items of evidence in their entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

Applicants arguments filed 11/23/2005 are moot due the new grounds of rejection.

Any inquiry concerning this communication should be directed to Salvatore Cangialosi at telephone number **(571) 272-6927**. The examiner can normally be reached 6:30 Am to 5:00 PM, Tuesday through Friday. If attempts to reach the examiner by telephone

Serial Number: 10/823,442

6

Art Unit: 3621

are unsuccessful, the examiner's supervisor, James Trammell, can be reached at **(571) 272-6712**.

Any response to this action should be mailed to:

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

or faxed to (571)273-8300

Hand delivered responses should be brought to

United States Patent and Trademark Office
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on

Serial Number: 10/823,442

7

Art Unit: 3621

access to the Private PAIR system, contact the Electronic
Business Center (EBC) at 866-217-9197 (toll-free).



SALVATORE CANGIALOSI
PRIMARY EXAMINER
ART UNIT 222